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 LELAND STANFORD JUNIOR UNIVERSITY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES LEE STEWART, an individual,
 Plaintiff,

vs.

LELAND STANFORD JUNIOR
 UNIVERSITY,
 Defendant.

CASE NO. C07 04061

REQUEST FOR JUDICIAL NOTICE

Fed. Rule Evid. 201;
 Fed. Rules of Civ. Proc., Rule 12(b)(6);

Date: September 15, 2008
 Time: 9 A.M.
 Courtroom: 8, 4th Floor
 Judge: Hon. James Ware

Pursuant to Federal Rule of Evidence 201, Defendant Leland Stanford, Jr. University ("Defendant"), hereby requests the Court to take Judicial Notice of this Court's official records.

Defendant requests judicial notice of the following:

1. The court record in the matter of *James Lee Stewart v. Leland Stanford University, Julie Hardin-Stauter*, Defendants, Case No. C05-04131, filed October 12, 2005, U.S. District Court, Northern District of California, San Jose:

a. Notice of Removal of Action Under 28 U.S.C. section 1441 (b) (Federal Question);

b. Notice of Motion and Motion to Dismiss for Preemption (§ 301, 29 U.S.C. § 185) and for Failure to State a Claim Upon which Relief can be Granted (Court document 5);

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1 c. Memorandum of Points and Authorities in Support of Defendants Stanford
2 University and Julie Hardin-Stauter's Motion to Dismiss (Court document 6);

3 d. Declaration of Melissa Burke in Support of Defendant's Motion to
4 Dismiss;

5 e. Opposition to Motion to Dismiss for Preemption (Section 301, 29 U.S.C.
6 § 185) and for Failure to State a Claim Upon Which Relief Can Be Granted (Court Document
7 16);

8 f. Declaration of Steven Zavodnick in Support of Plaintiff's Opposition to
9 Motion to Dismiss for Preemption (Section 301, 29 U.S.C. § 185) and for Failure to State a
10 Claim Upon Which Relief Can Be Granted (Court Document 16);

11 g. Order Granting Defendants' Motion to Dismiss with Prejudice, April 5,
12 2006 (Court document 31); and

13 h. Judgment, April 5, 2006 (Court document 32).
14 *See also Mullis v. United States Bank. Ct.* (9th Cir. 1987) 828 F.2d 1385, 1388, fn.9; *Mack v.*
15 *South Bay Beer Distributors, Inc.* (9th Cir. 1986) 798 F. 2d 1279, 1282 (documents from clerk's
16 records are subject to Judicial Notice under Federal Rule of Evidence 201 and appropriately
17 considered on a motion to dismiss, matter that is properly the subject of judicial notice may be
18 considered along with the Complaint when deciding a motion to dismiss for failure to state a
19 claim (*MGIC Indem. Corp. v. Weisman* (9th Cir. 1986) 803 F.2d 500, 504 (court may take
20 judicial notice of official records and reports on Rule 12 (b) (6) Motion).

21 Certified copies of the documents sought to be noticed are attached to this request as
22 Exhibit A.

23 Dated: May 15, 2008

GORDON & REES LLP

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25 By: _____/s/
26 Carol C. Copsey
27 Attorneys for Defendant
28 LELAND STANFORD JUNIOR UNIVERSITY